

raises three significant concerns, even if the Federal enforcement authority is not exercised.

*First*, dormant Federal criminal laws may be revived at the whim of a federal prosecutor. Even the appearance—let alone the actual practice—of selectively bringing Federal prosecutions against certain individuals whose conduct also violates State laws, and the imposition of disparate Federal and State sentences for essentially the same underlying criminal conduct, offends our notions of fundamental fairness and undermines respect for the entire criminal justice system. The Task Force criticizes the “expansive amount of unprincipled overlap in which very large amounts of conduct are susceptible to selection for prosecution as either federal or state crime is intolerable.”

*Second*, every new Federal crime results in an expansion of Federal law enforcement jurisdiction and further concentration of policing power in the Federal government. Americans naturally distrust such concentrations of power. That is the policy underlying our posse comitatus law prohibiting the military from participating in general law enforcement activities. According to the Task Force, Federal law enforcement personnel have grown a staggering 96 percent from 1982 to 1993 compared to a growth rate of less than half that for State personnel. The Task Force correctly notes in the report that:

Enactment of each new federal crime bestows new federal investigative power on federal agencies, broadening their power to intrude into individual lives. Expansion of federal jurisdiction also creates the opportunity for greater collection and maintenance of data at the federal level in an era when various databases are computerized and linked.

Finally, and most significantly, Federal prosecutors are simply not as accountable as a local prosecutor to the people of a particular town, county or State. I was privileged to serve as a State's Attorney in Vermont for eight years, and went before the people of Chittenden County for election four times. They had the opportunity at every election to let me know what they thought of the job I was doing.

By contrast, Federal prosecutors are appointed by the President and confirmed by the Senate, only two Members of which represent the people who actually reside within the jurisdiction of any particular U.S. Attorney. Federalizing otherwise local crime not only establishes a national standard for particular conduct but also allows enforcement by a Federal prosecutor, who is not directly accountable to the people against whom the law is being enforced. The Task Force warns that the “diminution of local autonomy inherent in the imposition of national standards, without regard to local community values and without regard to

any noticeable benefits, requires cautious legislative assessment.”

Distrust and dismay at the exercise of Federal police power fueled the public outcry at the tragic endings of the stand-offs with Federal law enforcement authorities at Ruby Ridge in 1992 and at Waco in 1993. I participated in the Judiciary Committee oversight hearings into those incidents, and was struck that both of those standoffs were sparked by enforcement of Federal gun laws. The regulation of firearms is a subject with extraordinary variance among the States and requires great sensitivity and accountability to local mores.

Vermont has virtually no gun laws, and we also have one of the lowest crime rates in the country, but our laws reflect our needs. We should be very careful not just about federalizing a prohibition that already exists at most State levels, but also creating a Federal criminal prohibition where none exists at the State level, like mine.

Proposals to create new Federal crimes that run roughshod over highly sensitive public policy choices normally decided at the local level prompt significant concern over Federal overreaching and the exercise of Federal police power. For example, the majority on the Judiciary Committee reported in the last Congress a bill that would have made it a Federal crime to travel with a minor across State lines to get an abortion without complying with the parental consent law of the minor's home State. This law, if enacted, would invite Federal prosecutors to investigate and prosecute the violation of one State's parental consent law even if neither State would subject the conduct to criminal sanction. Establishing a national standard through creation of a new Federal crime to deal with conduct that the States have addressed in a different manner is a dangerous usurpation of local authority.

The death penalty is a good example. Congress has increasingly passed Federal criminal laws carrying the death penalty, even though twelve States, including Vermont, and the District of Columbia have declined to adopt the death penalty. Federal prosecutors in those States are free, with the Attorney General's approval, to buck the State's decision and seek the death penalty in certain Federal cases which have resulted in murder—for which every State has overlapping jurisdiction. In Vermont, for example, we are for the first time confronting a Federal death penalty case. These cases always present facts that could have been prosecuted by the State, and often involve high-profile cases that have generated press attention.

In the aftermath of a heinous murder, the public may cry out for blood vengeance. But the considered judgment of the State against the death penalty should not be easily bypassed,

and Federal prosecutors should not be encouraged to find some basis for the exercise of Federal jurisdiction merely to be able to seek the death penalty.

The Task Force report concludes with a “fundamental plea” to legislators and members of the public alike “to think carefully about the risks of excessive federalization of the criminal law and to have these risks clearly in mind when considering any proposal to enact new federal criminal laws and to add more resources and personnel to federal law enforcement agencies.” This is a plea I commend to all Senators as we return to the business of legislating and are asked to consider any number of crime proposals in this Congress.

Mr. President, I urge Senators to think very carefully. We should not feel that the only way we show that we are against crime is to suddenly federalize all crimes and basically tell our State legislatures, our State law enforcement, our State prosecutors that they are insignificant. Let us resist that impulse. Maybe we can pass a resolution saying that all Senators are opposed to crime—as we are. But let the States do what they do best.

The PRESIDING OFFICER. Under the previous order, the Senator from Utah is recognized to make a motion to recess the Senate.

#### RECESS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now stand in recess until the hour of 2:15 today in order for Members to attend a confidential briefing in room S. 407 of the Capitol, and this briefing is in respect to the Y2K event.

There being no objection, the Senate, at 10:58 a.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TEXAS INDEPENDENCE DAY

Mrs. HUTCHISON. Mr. President, I rise today to talk about a point of important history in our Nation; that is, to commemorate this day 163 years ago, Texas Independence Day.

Each year, I look forward to March 2nd. This is a special day for Texans, a day that fills our hearts with pride. On this day 163 years ago, a solemn convention of 54 men, including my great, great grandfather Charles S. Taylor, met in the small settlement of Washington-on-the-Brazos. There they signed the Texas Declaration of Independence. The declaration stated:

We, therefore . . . do hereby resolve and declare . . . that the people of Texas do now constitute a free, sovereign and independent republic.

At the time, Texas was a remote territory of Mexico. It was hospitable only to the bravest and most determined of settlers. After declaring our independence, the founding delegates quickly wrote a constitution and organized an interim government for the newborn republic.

As was the case when the American Declaration of Independence was signed in 1776, our declaration only pointed the way toward a goal. It would exact a price of enormous effort and great sacrifice. For instance, when my great, great grandfather was there, signing the declaration of independence, and then, as most of the delegates did, went on eventually to fight the Battle of San Jacinto, he didn't know it at the time, but all four of his children who had been left back at home in Nacogdoches died trying to escape from the Indians and the Mexicans who they feared were coming after them. Fortunately, he and his wife, my great, great grandmother, had nine more children. But it is just an example of the sacrifices that were made by people who were willing to fight for something they believed in. That, of course, was freedom—freedom, in that instance, of Texas at that time. But that is something, of course, all Americans cherish greatly.

While the convention sat in Washington-on-the-Brazos, 6,000 Mexican troops were marching on the Alamo to challenge this newly created republic. Several days earlier, from the Alamo, Col. William Barrett Travis sent his immortal letter to the people of Texas and to all Americans. He knew the Mexican Army was approaching and he knew that he had only a very few men to help defend the San Antonio fortress. Colonel Travis wrote:

FELLOW CITIZENS AND COMPATRIOTS: I am besieged with a thousand or more of the Mexicans under Santa Anna. I have sustained a continual Bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded surrender at discretion, otherwise, the garrison is to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly over the wall. I shall never surrender or retreat. Then I call on you in the name of Liberty, of patriotism, of everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due his honor and that of his country—VICTORY OR DEATH.

WILLIAM BARRETT TRAVIS, Lt. Col.  
Commander.

What American, Texan or otherwise, can fail to be stirred by Col. Travis' resolve?

In fact, Colonel Travis' dire prediction came true—4,000 to 5,000 Mexi-

can troops laid siege to the Alamo. In the battle that followed, 184 brave men died in a heroic but vain attempt to fend off Santa Anna's overwhelming army. But the Alamo, as we all in Texas know, was crucial to Texas' independence. Because those heroes at the Alamo held out for so long, Santa Anna's forces were battered and diminished.

Gen. Sam Houston gained the time he needed to devise a strategy to defeat Santa Anna at the Battle of San Jacinto, just a month or so later, on April 21, 1836. The Lone Star was visible on the horizon at last.

Each year, on March 2, there is a ceremony at Washington-on-the-Brazos State Park where there is a replica of the modest cabin where the 54 patriots laid down their lives and treasure for freedom. Each day on this day, I read Colonel Travis' letter to my colleagues in the Senate, a tradition started by my friend, Senator John Tower. This is a reminder to them and to all of us of the pride Texans share in our history and in being the only State that came into the Union as a republic.

Mr. President, I am pleased to continue the tradition that was started by Senator Tower, because we do have a unique heritage in Texas where we fought for our freedom. Having grown up in the family and hearing the stories of my great great grandfather, it was something that was ingrained in us—fighting for your freedom was something you did.

I think it is very important that we remember the people who sacrificed, the 184 men who died at the Alamo, the men who died at Goliad, who made it possible for us to win the Battle of San Jacinto and become a nation, which we were for 10 years before we entered the Union as a State.

I might add, we entered the Union by a margin of one vote, both in the House and in the Senate. In fact, we originally were going to come into the Union through a treaty, but the two-thirds vote could not be received and, therefore, President Tyler said, "No, then we will pass a law to invite Texas to become a part of our Union," and the law passed by one vote in the House and one vote in the Senate. Now we fly both flags proudly—the American flag and the Texas flag—over our capitol in Austin, TX.

I am very pleased to, once again, commemorate our great heritage and history. Thank you, Mr. President.

#### INCREASING FUNDING OF THE SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY-RELATED PROBLEMS

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 having arrived, the Committee on Rules and Administration is discharged from further consideration of S. Res. 7, and

the Senate will proceed immediately to its consideration.

The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 7) to amend Senate Resolution 208 of the 105th Congress to increase funding of the Special Committee on the Year 2000 Technology-Related Problems.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Under the previous order, the time for debate on the resolution shall be limited to 3 hours, equally divided between the Senator from Utah, Mr. BENNETT, and the Senator from Connecticut, Mr. DODD.

#### PRIVILEGE OF THE FLOOR

Mr. BENNETT. Mr. President, I ask unanimous consent that for the duration of this debate, the following members of the staff detailed to the Special Committee on the Year 2000 Technology Problems be granted the privilege of the floor: Frank Reilly, John Stephenson, Paul Hunter, J. Paul Nicholas, Ron Spear and Tom Bello.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT

Mr. BENNETT. Mr. President, I ask unanimous consent that the consent agreement with respect to the consideration of S. Res. 7 be modified to allow one technical amendment to the resolution, to be offered by myself and Senator DODD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 30

(Purpose: To make a conforming change)

Mr. BENNETT. The technical amendment is now at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. BENNETT], for himself and Mr. DODD, proposes an amendment numbered 30.

The text of the amendment follows:

On page 1, line 5, strike "both places" and insert "the second place".

Mr. BENNETT. Mr. President, I ask unanimous consent that the amendment be agreed to and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 30) was agreed to.

Mr. BENNETT. Thank you, Mr. President.

As I have said somewhat facetiously, today is "Y2K Day in the neighborhood." We have had a series of events with respect to Y2K legislation, starting with the debate this morning on the Small Business Administration bill offered by Senator BOND of Missouri. We then went into a closed session where it was my privilege, along with Senator DODD, to make a presentation to Members of the Senate with respect